

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
May 17, 2017**

Name	Title	Present	Absent	Present	Absent
Board Committee					
Ashby, D.	Commissioner	X			
Bouyoukas, S.	Commissioner		X		
Evans, K.	Commissioner	X			
Gavgani, M.	Commissioner/President	X			
Hardesty, J.	Commissioner	X			
Leikach, N.	Commissioner	X			
Morgan, K.	Commissioner	X			
Oliver, B.	Commissioner	X			
Peters, R.	Commissioner	X			
St. Cyr, II, Z. W.	Commissioner/Secretary	X			
Toney, R.	Commissioner	X			
Yankellow, E.	Commissioner	X			
Board Counsel					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney	X			
Board Staff					
Speights-Napata, D.	Executive Director	X			
Fields, E.	Deputy Director of Operations	X			
Wu, Y.	Compliance Manager	X			
Page, A.	Executive Administrative Associate	X			
Logan, B.	Legislation/Regulations Manager	X			

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
I. Executive Committee Report(s)	A.) M. Gavgani, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> 1. M. Gavgani called the meeting to order at 9:35 AM. 2. M. Gavgani requested that Board commissioners introduce themselves and also informed guests that the meeting agenda and packet materials were available for review. She advised guests that all packets must be returned at the end of the meeting. 3. M. Gavgani reminded all guests to sign the guest log, indicating whether they would like continuing education credits. 	<p>1. M Gavgani welcomed former board President L. Israbian-Jamgochian; acknowledged the service of former Commissioners Roy, Zagnit, and Rochester; and welcomed new Commissioners Leikach, Oliver, and Toney.</p>	
	B.) Z. St, Cyr, II, Secretary	<ol style="list-style-type: none"> 4. Review and approval of the April 2017 Public Meeting Minutes. 	<p>4. Motion to approve April 2017 Public Meeting Minutes by D. Ashby, 2nd by K. Morgan. Amendments submitted by B. Logan.</p>	<p>4. The Board voted to approve this motion with amendments.</p>
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Operations Updates 2. Meeting Updates <p>D. Speights-Napata, R. Peters, and S. Bouyoukas will be attending the upcoming NABP Annual Meeting in Orlando.</p>	<p>Personnel update - Interviews for the Investigative Supervisor will be conducted. The candidate for the Lead Licensing Specialist position has been selected. Recruitment for the Lab Scientist Surveyor and Inspector Supervisor is set to begin.</p>	

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B. Operations Report	E. Fields, Deputy Director/ Operations	1. Administration and Public Support (APS) Unit Updates Budget Report 2. Management Information Systems (MIS) Unit Updates Inspector Remote Application Update																																					
C. Licensing	Y. Wu, Compliance Manager	1. Unit Updates Maryland Board of Physicians Dispensing Permit Regulations 2. Monthly Statistics <table border="1"> <thead> <tr> <th>License Type</th><th>New</th><th>Renewed</th><th>Reinstated</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Distributor</td><td>4</td><td>153</td><td>0</td><td>1,206</td></tr> <tr> <td>Pharmacy</td><td>19</td><td>0</td><td>0</td><td>2,099</td></tr> <tr> <td>Pharmacist</td><td>48</td><td>396</td><td>0</td><td>11,343</td></tr> <tr> <td>Vaccination</td><td>16</td><td>3</td><td>0</td><td>4,397</td></tr> <tr> <td>Pharmacy Intern - Graduates</td><td>1</td><td>0</td><td>0</td><td>39</td></tr> <tr> <td>Pharmacy Intern - Students</td><td>47</td><td>24</td><td>0</td><td>895</td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	4	153	0	1,206	Pharmacy	19	0	0	2,099	Pharmacist	48	396	0	11,343	Vaccination	16	3	0	4,397	Pharmacy Intern - Graduates	1	0	0	39	Pharmacy Intern - Students	47	24	0	895	1. Regulations for the Physicians Dispensing Permit are being revised. The Board does not believe the issuance of refill or mail order is a convenience issue for a patient. This was conveyed to the Board of Physicians, who asked that a Pharmacy Board representative attend their open meeting to present the BOP position on this provision of the regulations. The meeting was attended by L. Bethman, who conveyed that the Pharmacy Board would not support the proposed regulations if the prohibition on mail order and refills is deleted. The regulations have progressed to the Secretary's office to begin the regulatory review process. [ZSCH]	1. The Board will continue to monitor.
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			Pharmacy Technician	128	208	5	9,772		
			TOTAL	263	784	5	29,751		
D. Compliance	Y. Wu, Compliance Manager	1. Unit Updates 2. Monthly Statistics Complaints & Investigations: New Complaints - 25 Resolved (Including Carryover) – 52 Actions within Goal – 37/52 Final disciplinary actions taken – 4 Summary Actions Taken – 0 Average days to complete - 0 Inspections: Total - 157 Annual Inspections - 137 Opening Inspections - 13 Closing Inspections - 0 Relocation/Change of Ownership Inspections - 1 Board Special Investigation Inspections –6 OCSA Closing Inspections – 2						1. M. Gavgani acknowledged the service and dedication of outgoing Deputy Director Y. Wu. D. Speights-Napata outlined the plan for the transition period after the departure of Y. Wu.	
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<u>1. COMAR 10.34.02.03 D Proof of Proficiency in English</u> <u>2. COMAR 10.34.18 Continuing Education for Pharmacists</u>						1. To be printed in the March 31 st Maryland Registry. The Practice Committee recommended revisions to two paragraphs, 2 nd by D. Ashby.	1. The Board voted to approve this motion. 2. No action necessary by the Board[ZSC14].

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		<u>3. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u>	2. To be published in the May 26 th Maryland Registry and takes effect 10 days later. [ZSCI2][ZSCI3] 3. No action necessary.	
III. Committee Reports A. Practice Committee	C. Rochester, Chair	<u>4. Steve Bouyoukas- Practice Response</u> <u>5. Mikes Pharmacy- Practice Response</u> <u>6. Kristin Tallent- Practice Response</u> <u>7. Thishanthi Wijewickrama- Practice Response</u> 8. Question from audience: Can pharmacist interns vaccinate?	4. Question regarding HIV testing. Motion by committee to approve response as prepared, 2 nd by D. Ashby. 5. Question regarding Bubble Packs. Motion by committee to approve response as prepared, 2 nd by D. Ashby. 6. Motion by committee to approve prepared response, 2 nd by D. Ashby. 7. Question regarding whether a separate prescription is needed for a medical device. Motion by committee to approve prepared response, 2 nd by D. Ashby. 8. Response from L. Bethman: Pharmacy interns in rotation and interns not in rotation can vaccinate by law.	4. The Board voted to approve this motion. 5. The Board voted to approve this motion. 6. The Board voted to approve this motion. 7. The Board voted to approve this motion.

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B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. A. George - Licensed Pharmacist submitted an application for vaccination registration. Response: Pharmacist provided certification issued by Drug Store News and the Collaborative Education Institute. These are providers of continuing pharmacy education through ACPE. This immunization program offers 20 hours of practice-based instruction (18 hours are didactic and 2 hours are live workshop). <u>Licensing Committee's Recommendation:</u> Approve</p> <p>Note: Rite Aid Pharmacy submitted the same immunization training for approval. Committee also voted to approve.</p> <p>b. A. Ghabra - Applicant is requesting to use her 1,500 intern hours obtained in West Virginia towards the 520 pharmacy experience hours requirement for Pharmacists. <u>Licensing Committee's Recommendation:</u> Applicant has two options: 1. Work in West Virginia as a Pharmacist to obtain pharmacist experience; or 2. Apply as an exam applicant.</p>	<p>1a. Motion by committee to approve request, 2nd by K. Morgan.</p> <p>1b. Motion by committee for two options, 2nd by K. Morgan.</p>	<p>1a. The Board voted to approve this motion.</p> <p>1b. The Board voted to approve this motion.</p>

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		<p>c. J. Clemons - Reciprocity applicant was asked to provide a detailed explanation of her job duties and responsibilities as the PGY2 Geriatric Pharmacy Resident.</p> <p>Response:</p> <ul style="list-style-type: none"> • Provide training and educational activities for health care professional students in different disciplines including pharmacy, nurse practitioner, social work, nursing and medical students at VCU Health. • Prepare upcoming geriatric-focus courses, create active learning opportunities for students, and participate in Foundations Laboratory activities at VCU School of Pharmacy. • Provide formal didactic teaching lectures to pharmacy students at VCU School of Pharmacy. • Optimize the continuum-of-care of geriatric patients through transition of care services, including medication reconciliation and discharge planning in inpatient settings. • Work with community-dwelling seniors to manage and improve medication use. • Participate in interdisciplinary rounds by providing geriatric pharmacotherapy knowledge. 	<p>1c. Motion by committee to approve, 2nd by K. Morgan.</p>	<p>1c. The Board voted to approve this motion.</p>

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		<ul style="list-style-type: none"> • Complete medication therapy management services for long-term care residents. • Optimize medication management for residents residing in inpatient hospice and palliative care services. • Complete one research project with original data. • Participate in scholarly opportunities including case reports, literature reviews, medication use evaluation, grant writing workshops, book chapter development, journal peer reviews. <p><u>Licensing</u> <u>Committee's Recommendation:</u> [ZSC15] Approve</p> <p>d. L. C. - Pharmacist renewed the license on March 08, 2017 but passed away on April 11, 2017. Licensee's mother paid for the licensee's renewal fee from her own checking account and is requesting a refund. Wage check received on May 2, 2017 indicates licensee has not worked.</p> <p><u>Licensing Committee's</u> <u>Recommendation:</u> [ZSC16] Approve Refund</p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a. J. Seo - Applicant asks if working as a post-doctoral fellow at Johns Hopkins</p>	<p>1d. Motion by committee to approve, 2nd by K. Morgan.</p>	<p>1d. The Board voted to approve this motion.</p>

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		<p>doing Outcome research can be counted as internship hours. Applicant's job and duties include the following:</p> <ul style="list-style-type: none"> • Performs research that promotes a patient-focused drug development (PFDD), led by the Leukemia and Lymphoma Society (LLS), which seeks to develop, administer, analyze, interpret, and disseminate novel instruments to measure patient prioritization of worries and patient preferences for the benefits and risks of treating acute myeloid leukemia (AML). • Conducts qualitative interviews to engage diverse stakeholders in Instrument development, organized comprehensive literature reviews to assist benefit-risk assessment, and designed, pretested, and piloted the instruments using a community-engagement approach. • Manages site recruitment, institutional review board submissions, data collections, data managements, and data analysis. <p><u>Licensing Committee's Recommendation:</u> Deny. Must practice under the supervision of a pharmacist.</p> <p>DANIEL ASHBY AND MITRA GAVGANI RECUSED</p>	<p>2a. Motion by committee to deny, 2nd by K. Morgan.</p>	<p>2a. The Board voted to approve this motion.</p>

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		<p>submitted renewal application by or postmarked May 1, 2017, and has also submitted for Federal and State background checks, the applicant may continue to operate past its expiration date.</p> <p>5. Review of Pharmacy Applications:</p> <p>a. A. Adebajo - Pharmacist/Owner is requesting a waiver of the application fee required to submit new pharmacy application. Her request is based on having renewed her previous pharmacy permit in 2016. However, the pharmacy was closed on October 31, 2016. <u>Licensing Committee's Recommendation:</u> Deny</p> <p>6. Review of Pharmacy Technicians Training Programs:</p> <p>a. Giant Eagle - Requesting approval of its training program and examination. <u>Licensing Committee's Recommendation:</u> [ZSC17]</p> <p>Denied due to the following:</p> <ol style="list-style-type: none"> 1. Does not include requirements and professional standards for Prepackaging. 2. Does not include requirements and professional standards for Distributing. 3. Does not show descriptions of 160 hours of documented work experience. 	<p>4b. Motion by committee, 2nd by K. Morgan with amendment suggested by B. Felter [ZSC19] to change date to May 17 per Maryland law.</p> <p>5a. Motion by committee to deny, 2nd by K. Morgan.</p> <p>6a. Motion by committee to deny, 2nd by K. Morgan.</p>	<p>4b. The Board voted to approve this motion with amendment.</p> <p>5a. The Board voted to approve this motion.</p> <p>6a. The Board voted to approve this motion.</p>

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		<p>b. Wegmans – Requesting approval of its training program and examination.</p> <p>c. Frederick Community Pharmacy- Requesting approval of its training program and examination.</p> <p>7. New Business:</p> <p>a. Drug Repository Application - Update to simplify the language on the Drug Repository application. <i>Licensing Committee's Recommendation:</i></p> <ol style="list-style-type: none"> 1. Remove Section 3 and retain Section 4 of the Drug repository application. 2. Update the Certificate to accurately reflect the service provided. <p>b. Out of State Pharmacist Communication with Maryland - Questions were raised regarding potential licensure requirements under a proposed model where a pharmacist operating from a licensed pharmacy in another state will be communicating with patients located in Maryland. The pharmacist will not be providing patient counseling related to a prescription, and the pharmacy from which the pharmacist is working does</p>	<p>6b. Motion by committee to approve, 2nd by K. Morgan.</p> <p>6c. Motion by committee to approve, 2nd by K. Morgan.</p> <p>7a. Motion by committee, 2nd by D. Ashby. Addendum by J. Hardesty to include a question regarding receptacle placement locations for CDS disposal.</p> <p>7b. Motion by committee. 2nd by K. Morgan.</p>	<p>6b. The Board voted to approve this motion.</p> <p>6c. The Board voted to approve this motion.</p> <p>7a. The Board voted to approve this motion.</p> <p>7b. The Board voted to approve this motion.</p>

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		<p>not dispense to Maryland patients or otherwise ship any prescription drugs into Maryland. Patient communications will include Instant Messaging, where the patients can ask the pharmacist questions, as well as other forms of communication by telephone or other electronic communication methods to optimize/switch prescriptions, monitor drug therapy, review medications, and otherwise engage patients about medications they are currently taking.</p> <ol style="list-style-type: none"> 1. Would a nonresident pharmacy permit not be required because the pharmacy is not shipping, mailing, or delivering drugs to patients in Maryland? and 2. Would the pharmacist that communicates with Maryland patients as described above have to be licensed as a pharmacist in Maryland? <p><u>Licensing Committee's Recommendation:</u> Pharmacist must be licensed with state of Maryland.</p> <p>c. Reciprocating applicants - Does the pharmacy experience for reciprocity applicants need to be done under their pharmacist license or can it be done under their intern registration?</p> <p><u>Licensing Committee Recommendation:</u> Experience should be performed under their pharmacist license[ZSC18].</p>	<p>7c. Motion by committee 2nd by K. Morgan.</p>	<p>7c. The Board voted to approve this motion.</p>

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C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update Newsletter Update	The Public Relations Committee is considering the option of offering a Continuation Education credit for reading and correctly answering questions about the Board's newsletter. The intent is to increase newsletter readership. Constant Contact is under consideration as a vehicle for routine communication with licensees and permit holders.	
D. Disciplinary	K. Morgan, Chair	Disciplinary Committee Update CPR Card Posting	Practice Committee to consider adding regulations on posting of active CPR cards by pharmacists holding active vaccine certifications issued by the Board.	Referred to Practice Committee.
E. Emergency Preparedness Task Force		Emergency Preparedness Update: None at this time		
IV. Other Business & FYI	M. Gavvani, President	1. B. Logan - Any concept papers for the 2018 Legislative Session are due by May 24, 2017. 2. Pharmacy students in attendance were acknowledged by M. Gavvani. 3. A. Horton, Maryland Pharmacists Association (MPhA) - Working Conditions Survey Update, 4. MPhA Annual Convention in will be held in June at the Wisp Resort 5. Y. Wu - The Board's website has been updated with the proper language for Drug Repositories.	3. The MPhA Board will review the survey and make recommendations.	

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		<p>6. Representatives from Kaiser Permanente inquired about an immunization and CPR card issue involving one of its employees.</p>	<p>6. The Board Compliance Officer will follow-up with them at the conclusion of the Public Meeting.</p>	
<p>V. Adjournment</p>	<p>M. Gavgani, President</p>	<p>M. Gavgani asked for a motion to close the Public Meeting and open a Closed Public Session.</p> <p>M. Gavgani convened a Closed Public Session for the purpose of engaging in medical review committee deliberations regarding confidential information in applications in accordance with the Open Meetings Act, General Provisions Article, Section 3-305 (b) (7) and (13).</p> <p>The Closed Public Session was adjourned at 10:50 A.M. and, immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>	<p>Motion to close the Public Board Meeting by K. Morgan, 2nd by D. Ashby.</p>	<p>The Board voted to approve this motion.</p>